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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,904	01/22/2004	James W. Woodcock	718721.1	1903
27128	7590	03/13/2006	EXAMINER	
BLACKWELL SANDERS PEPER MARTIN LLP			BATSON, VICTOR D	
720 OLIVE STREET			ART UNIT	
SUITE 2400			PAPER NUMBER	
ST. LOUIS, MO 63101			3671	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruth et al. (3,698,487).

Ruth et al. discloses a culvert opening and cleaning apparatus including a telescoping arm member 21 adapted to be mounted to an implement of heavy machinery such that the telescoping arm is oriented vertically with an outer housing (considered the cylinder 21) and an inner concentric arm (considered the cylinder rod associated with cylinder 21, but not numbered), slidable relative to each other, with a culvert cleaning tool (considered the combination of blade 35 & rod 43) having an convex upward facing surface (considered the rear surface of blade 35 and the upper surface of rod 43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruth et al. (3,698,487) in view of Tate (6,000,152).

Ruth et al. discloses a device as described previously, but lacks the cleaning tool being a tapered shoe.

Tate teaches that it is known in the art to attach a culvert cleaning tool comprising a tapered shoe 43, to an excavating device, to allow the device to be used to clean and unclog a culvert.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Ruth et al., by attaching a culvert cleaning tool comprised of a tapered shoe similar to that of Ruth et al., to allow the device to be used to clean and unclog culverts as taught by Tate.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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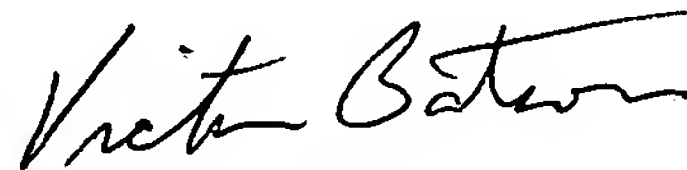
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (571) 272-6987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 5, 2006



Victor Batson
Primary Examiner
Art Unit 3671